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15 *Attorneys for Defendant Lowe's Home  
16 Centers, LLC*

17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 DANNY JACK HART and IRENE  
20 LINDSAY, individually,

21 Plaintiffs,

22 vs.

23 LOWE'S HOME CENTERS, LLC, a foreign  
24 corporation, DOE INDIVIDUALS 1-20 and  
DOES I through X and ROE ENTITIES 1-20,

25 Defendants.

26 CASE NO. 2:20-cv-00773-GMN-DJA

27 **STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES  
[FOURTH REQUEST]**

28 Pursuant to Fed R. Civ. P. 6, Fed. R. Civ. P. 26, LR IA 6-1, LR IA 6-2, LR 7-1, and LR  
29 26-3, the parties, by and through their respective counsel of record, stipulate and agree that there  
is good cause to extend the discovery deadlines in the operative discovery plan [ECF No. 17],  
as set forth below.

30 1. Pursuant to LR 26-3(a), the parties stipulate that the following discovery has been  
31 completed:

- 32 • On July 21, 2020, Plaintiff served his FRCP 26(a) Initial Disclosures.  
33 • On August 21, 2020, Lowe's served its FRCP 26(a)(1) Initial Disclosure.

- 1     • On September 30, 2020, Lowe's served its First Set of Interrogatories to Plaintiff Danny  
2         Jack Hart.
- 3     • On November 13, 2020, Plaintiff Danny Jack Hart served his responses to Lowe's First  
4         Set of Interrogatories.
- 5     • On August 9, 2021, Lowe's served its First Set of Requests for Production of Documents  
6         to Plaintiff Danny Jack Hart.
- 7     • On August 28, 2021, Plaintiff Danny Jack Hart served his responses to Lowe's First Set  
8         of Requests for Production of Documents.
- 9     • On September 27, 2021, the parties conducted the videotaped deposition of Plaintiff  
10         Danny Jack Hart.
- 11     • On October 19, 2021, Lowe's served its Second Set of Interrogatories to Plaintiff Danny  
12         Jack Hart.
- 13     • On November 18, 2021, Plaintiff Danny Jack Hart served his responses to Lowe's Second  
14         Set of Interrogatories.
- 15     • On February 22, 2022, Lowe's served its First Supplement to FRCP 26(a)(1) Initial  
16         Disclosure.
- 17     • On April 29, 2022, Plaintiff served his First Supplement of Initial Disclosure of Witness  
18         and Documents Pursuant to FRCP 26.1(a)(1).
- 19     • On November 23, 2021, Lowe's served its Second Supplement to FRCP 26(a)(1) Initial  
20         Disclosure, and Rule 26(a)(3) Pretrial Disclosures
- 21     2. Pursuant to LR 26-3(b), the parties stipulate that they need to complete the following  
22         discovery:
  - 23             • Deposition of Lowe's FRCP 30(b)(6) representative; and
  - 24             • Any other discovery permitted by the Federal Rules of Civil Procedure, the stipulation of  
25                 the parties, or the order of the court.

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1       3. Pursuant to LR 26-3(c), the parties stipulate an extension is needed for the following  
2       reasons:

3             This matter was removed to federal court on April 29, 2020. [ECF No. 1]. The parties  
4       submitted a joint discovery plan and scheduling order on June 8, 2020. [ECF No. 16].

5             On July 5, 2022, the parties filed a Joint Motion to Extend Discovery Deadlines. [ECF  
6       No. 51]. The primary purpose for requesting the extension was so that Plaintiff's counsel could  
7       conduct the deposition of Lowe's FRCP 30(b)(6) representative. *Id.*, at pp 2 & 9.

8             On July 7, 2022, the Court entered its order granting the Joint Motion to Extend Discovery  
9       Deadlines. [ECF No. 52]

10           On July 26, 2022, Plaintiff noticed the deposition of Lowe's FRCP 30(b)(6)  
11       representative, with the deposition scheduled to take place on September 13, 2022 at 11:00 AM.

12           During the course of preparing for his deposition, Lowe's FRCP 30(b)(6) representative  
13       determined that Lowe's may have additional written policies or procedures that are responsive  
14       to Plaintiff's proposed topics of questioning for the deposition, which materials had not been  
15       previously disclosed to opposing counsel.

16           Upon being informed about the possible existence of additional responsive policies and  
17       procedures, counsel for Lowe's immediately contacted Plaintiff's counsel to bring this  
18       development to counsel's attention. Following discussion between lead counsel for Lowe's, Mr.  
19       Steven T. Jaffe, Esq., and lead counsel for Plaintiff, Mr. E. Brent Bryson, Esq., the parties  
20       determined that in furtherance of judicial economy, and to avoid the possibility of having to  
21       recall Lowe's FRCP 30(b)(6) representative for additional questioning, that the parties would  
22       vacate the current deposition date, stipulate to extend discovery for an additional sixty (60) days  
23       for the purpose of producing the additional responsive documentation, and reschedule the  
24       Lowe's FRCP 30(b)(6) deposition.

25           For these reasons, the parties agree that there is good cause to extend the discovery  
26       deadlines.

27       4. Pursuant to LR 26-3(d), the parties stipulate to the following proposed schedule for  
28       completing all remaining discovery:

1           a. Extend the discovery cut-off deadline from September 26, 2022, to November 25,  
2 2022.

3           b. Extend the date to file dispositive motions from October 27, 2022, to December  
4 26, 2022.

5           c. Extend the date to file the Joint Pre-Trial Order from November 28, 2022, to  
6 January 27, 2023. If dispositive motions are filed, the joint pretrial order is due thirty (30) days  
7 from the entry of the court's ruling on the motions.

8           d. Fed. R. Civ. P. 26(a)(3) Disclosures must be included in the Joint Pre-Trial Order.

9       5. Based on the forgoing, the parties respectfully request that this Court approve this  
10 Stipulation to Extend the Time for Discovery sixty (60) days and to enter an Order amending  
11 the Scheduling Order, accordingly.

13 Dated: September 12, 2022.

14 HALL JAFFE & CLAYTON, LLP

16 /s/ Jonathan A. Rich, Esq.

17 Steven T. Jaffe, Esq.  
Nevada Bar No. 007035  
Kevin S. Smith, Esq.  
Nevada Bar No. 007184  
Jonathan A. Rich, Esq.  
Nevada Bar No. 015312  
7425 Peak Drive  
Las Vegas, Nevada 89128  
*Attorneys for Defendant Lowe's Home*  
*Centers, LLC*

13 Dated: September 13, 2022.

14 E. BRENT BRYSON, LTD.

16 /s/ E. Brent Bryson Esq.

17 E. Brent Bryson Esq.  
Nevada Bar No. 004933  
3202 W. Charleston Blvd.  
Las Vegas, NV 89102  
*Attorneys for Plaintiff Danny Jack Hart*

22 **ORDER**

23 IT IS SO ORDERED.

24 Dated this 14<sup>th</sup> day of September, 2022.

25  
26  
27   
UNITED STATES MAGISTRATE JUDGE

**Lisa Rico**

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**From:** Eric Bryson <[ebbesqltd@yahoo.com](mailto:ebbesqltd@yahoo.com)>  
**Sent:** Tuesday, September 13, 2022 1:22 PM  
**To:** Jonathan A. Rich <[JRich@lawhjc.com](mailto:JRich@lawhjc.com)>  
**Subject:** Re: Lowe's adv Hart re: SAO to Extend Discovery Deadlines

Hey Jonathan, stip looks good you have my permission to affix my electronic signature to document. Brent  
Sent from my iPhone

On Sep 12, 2022, at 4:10 PM, Jonathan A. Rich <[JRich@lawhjc.com](mailto:JRich@lawhjc.com)> wrote:

Good Afternoon Brent,

Following your discussion with Steve earlier this afternoon, attached is a draft of the proposed SAO to Extend the remaining Discovery Deadlines for an additional sixty (60) days. Please let me know if you believe that any revisions need to be made, or alternatively, if we may affix your e-signature and submit to the Court.

Respectfully,

**Jonathan A. Rich, Esq.**  
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